

Order

Michigan Supreme Court
Lansing, Michigan

December 27, 2010

Marilyn Kelly,
Chief Justice

141795

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 141795
COA: 291592
Wayne CC: 08-012499-FC

FRANKLIN EDWARD IVEY,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the July 29, 2010 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other peremptory action. MCR 7.302(H)(1). At oral argument, the parties shall address whether the trial court erred in scoring Offense Variable 3, for the reasons stated in the Court of Appeals dissenting opinion. The parties may file supplemental briefs within 42 days of the date of this order, but they should not submit mere restatements of their application papers.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 27, 2010

Corbin R. Davis

Clerk